



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5735

by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

New Act

Creates the Home Repair and Construction Task Force Act. Creates the Home Repair and Construction Task Force. Sets forth the membership of the Task Force. Provides that the Task Force shall: (1) discuss whether the residents of Illinois would benefit from legislation requiring home repair and construction service providers to obtain a license from the Department of Financial and Professional Regulation before offering these services in Illinois; (2) if it is determined that licensure is required, determine the requirements applicants must meet to qualify for a license, grounds for denial or revocation of a license, and any other considerations relevant to a licensing requirement; and (3) make recommendations to the General Assembly. Provides that the Task Force shall summarize its findings and recommendations in a report to the General Assembly no later than November 1, 2015. Repeals the Act on January 1, 2016. Effective immediately.

LRB098 18440 AMC 53577 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Home
5 Repair and Construction Task Force Act.

6 Section 5. Findings. The General Assembly finds as follows:

7 (1) In November, 2013, several tornadoes devastated
8 parts of many Illinois towns, including Brookport, Coal
9 City/Braidwood, Gifford, New Minden, Pekin, and
10 Washington. In previous years, Illinois has suffered
11 natural disasters, such as the flooding that destroyed
12 parts of southern Illinois in 1993. Storms, tornadoes, and
13 flooding have affected numerous parts of the State nearly
14 every year.

15 (2) Often, after natural disasters such as storms or
16 flooding, contractors from outside the local area where the
17 disaster occurred come into the area and solicit business.
18 In some cases, the contractors engage in high pressure
19 sales tactics and collect large down payments from
20 homeowners anxious to repair their homes after a disaster,
21 and then fail to complete the work in a workmanlike manner
22 or leave the area without even beginning the work.
23 Homeowners are unable to reach the contractors either

1 because the contractors provided a false physical address
2 or telephone number or because the contractors are
3 unresponsive to calls and letters.

4 (3) Each year, the Attorney General's office receives a
5 significant number of consumer complaints about home
6 repair and construction, and such complaints rank among the
7 top 10 consumer complaint types that office receives
8 annually. These complaints often involve allegations of
9 poor workmanship, failure to complete the contracted for
10 work, or failure to begin the contracted for work. These
11 complaints often arise after natural disasters, but the
12 Attorney General's office also receives numerous
13 complaints every year about routine home repair and
14 construction outside of a natural disaster.

15 (4) The Attorney General wishes to explore whether
16 Illinois residents would benefit from legislation that
17 requires home repair and construction contractors to
18 obtain a license from the Department of Financial and
19 Professional Regulation before offering home repair and
20 construction services in Illinois and, if so, whether
21 potential licensees and all their agents should be required
22 to pass a proficiency test and meet certain qualifications
23 as a condition of obtaining a license.

24 Section 10. Definition. As used in this Act, "home repair
25 and construction" means the building of a new structure

1 primarily designed or used as a residence or the fixing,
2 replacing, altering, converting, modernizing, improving, or
3 making of an addition to any real property primarily designed
4 or used as a residence other than maintenance, service, or
5 repairs under \$500. "Home repair and construction" includes the
6 construction, installation, replacement, or improvement of
7 driveways, swimming pools, porches, kitchens, bathrooms,
8 basements, chimneys, chimney liners, garages, fences, fallout
9 shelters, central air conditioning, central heating, boilers,
10 furnaces, electrical wiring, sewers, plumbing fixtures, storm
11 doors, windows, roofs, and awnings and other improvements to
12 structures within the residence or upon the land adjacent to
13 the residence. "Home repair and construction" does not include
14 the sale, installation, cleaning, or repair of carpets; the
15 repair, installation, replacement, or connection of any home
16 appliance, including, but not limited to, disposals,
17 refrigerators, ranges, garage door openers, televisions or
18 television antennas, washing machines, telephones, hot water
19 heaters, satellite dishes, or other appliances when the person
20 replacing, installing, repairing, or connecting the home
21 appliance is an employee or agent of the merchant that sold the
22 home appliance or sold new products of the same type; or
23 landscaping.

24 Section 15. Home Repair and Construction Task Force;
25 members.

1 (a) There is created the Home Repair and Construction Task
2 Force consisting of the following members:

3 (1) one member of the Senate appointed by the President
4 of the Senate;

5 (2) one member of the Senate appointed by the Minority
6 Leader of the Senate;

7 (3) one member of the House of Representatives
8 appointed by the Speaker of the House of Representatives;

9 (4) one member of the House of Representatives
10 appointed by the Minority Leader of the House of
11 Representatives;

12 (5) one member appointed by the Governor;

13 (6) one member representing the Department of
14 Financial and Professional Regulation appointed by the
15 Secretary of Financial and Professional Regulation;

16 (7) one member representing the home repair industry
17 appointed by the Attorney General;

18 (8) one member representing the home builder industry
19 appointed by the Attorney General;

20 (9) one member representing the retail merchants that
21 subcontract with home repair industry and construction
22 industry members appointed by the Attorney General;

23 (10) one member representing the homeowners insurance
24 industry appointed by the Attorney General;

25 (11) one member representing unions with members in the
26 home repair and construction industries appointed by the

1 Attorney General;

2 (12) one member representing the interests of Illinois
3 municipalities appointed by the Attorney General;

4 (13) one member representing the interests of Illinois
5 counties appointed by the Attorney General;

6 (14) one member appointed by the City of Chicago
7 Commissioner of Consumer Services; and

8 (15) one member appointed by the Attorney General, who
9 shall be designated the chairperson by the Attorney
10 General.

11 (b) All appointments to the Task Force shall be made within
12 60 days after the effective date of this Act.

13 (c) Vacancies in the Task Force shall be filled by the
14 initial appointing authority within 30 days after the vacancy
15 occurs.

16 (d) The members of the Task Force shall serve without
17 compensation.

18 (e) The Task Force shall receive the assistance of
19 legislative staff, may employ skilled experts with the approval
20 of the chairperson, and shall receive the cooperation of those
21 State agencies it deems appropriate to assist the Task Force in
22 carrying out its duties.

23 (e) The members of the Task Force shall be considered
24 members with voting rights. A quorum of the Task Force shall
25 consist of a simple majority of the members of the Task Force.
26 All actions and recommendations of the Task Force must be

1 approved by a simple majority vote of the members.

2 (f) The Task Force shall meet initially at the call of the
3 Attorney General no later than 90 days after the effective date
4 of this Act, and shall thereafter meet at the call of the
5 chairperson.

6 (g) The Attorney General shall provide administrative and
7 other support to the Task Force.

8 Section 20. Duties. The Task Force shall:

9 (1) discuss whether the residents of Illinois would
10 benefit from legislation requiring home repair and
11 construction service providers to obtain a license from the
12 Department of Financial and Professional Regulation before
13 offering these services in Illinois;

14 (2) if it is determined that licensure is required,
15 determine:

16 (A) the requirements applicants must meet to
17 qualify for a license;

18 (B) grounds for denial or revocation of a license;
19 and

20 (C) any other considerations relevant to a
21 licensing requirement; and

22 (3) make recommendations to the General Assembly.

23 Section 25. Report. No later than November 1, 2015, the
24 Task Force shall summarize its findings and recommendations in

1 a report to the General Assembly and shall file the report as
2 provided in Section 3.1 of the General Assembly Organization
3 Act. Upon filing its report, the Task Force is dissolved.

4 Section 30. Repealer. This Act is repealed on January 1,
5 2016.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.